

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

RAY WESLEY DEEVER, JR.

PLAINTIFF

v.

Civil No. 07-5116

CAPTAIN HUNTER PETRAY;  
DEPUTY CLARK; and  
DEPUTY VENDETTA

DEFENDANTS

**ORDER**

Plaintiff's complaint was filed in this case on June 26, 2007. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information with respect to his claims.

Accordingly, it is ordered that plaintiff, Ray Wesley Deaver, Jr., complete and sign the attached addendum to his complaint, and return the same to the court **by August 16, 2007. Plaintiff is advised that should he fail to return the completed and executed addendum by August 16, 2007, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 19th day of July 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

RAY WESLEY DEEVER, JR.

PLAINTIFF

v.

Civil No. 07-5116

CAPTAIN HUNTER PETRAY;  
DEPUTY CLARK; and  
DEPUTY VENDETTA

DEFENDANTS

**ADDENDUM TO COMPLAINT**

TO: RAY WESLEY DEEVER, JR.

This form is sent to you so that you may assist the court in making a determination as to the issue of whether your complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by August 16, 2007**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

**RESPONSE**

In your complaint, you allege that for two weeks in August of 2006 you were not provided with a vegetarian tray. You allege that you filed several grievances with Captain Petray that were ignored.

You indicate that Deputy Clark and Deputy Vendetta harass you and laugh at you for no reason. You also state that you receive tooth paste that is expired. You indicate your grievances

on this subject are ignored.

You allege you have no emergency call button in your cell. You also state you were denied recreation, newspapers, and access to phones throughout your stay at the jail in August through October of 2006.

1. Do all the claims asserted in your complaint except the claim regarding the expired tooth paste concern your incarceration at the Benton County Detention Center (BCDC) in August through October of 2006?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please provide the dates of your incarceration in 2006 and state why you were incarcerated.

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If you answered no, please explain. In explaining, state why you are currently incarcerated at the BCDC.

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2. You indicate you are a vegetarian and did not receive a vegetarian diet for the first two weeks of August of 2006. Please state: (a) whether there were food items on your food tray

during this two week period you could eat; (b) whether you had access to other food such as food you could purchase at a commissary; and (c) how you obtained a vegetarian tray after the two week period.

Answer:

[illegible]

3. Did you suffer any physical injury as a result of not having a vegetarian tray for the two week period?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please describe: (a) the physical injuries; (b) the symptoms you experienced; (c) the severity of the symptoms; (d) whether you sought, or received, medical treatment; and (e) how long it took you to recover from the injuries.

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4. You indicate Deputy Clark and Deputy Vendetta harassed and laughed at you. With respect to each deputy, please describe in detail how you believe he violated your federal constitutional rights.

Deputy Clark:

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Deputy Vendetta:

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5. You indicate the tooth paste you receive is out dated.

(A). Please indicate whether the tooth paste contained a sell by date or a use by date, when you received the tooth paste, and what the approximate date was in relation to the date you received it. (For instance, did the tooth paste say use by January 2007 and you received it in February 2007?) Answer:

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(B). Did you suffer any physical injury as a result of using expired tooth paste?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please describe: (a) the physical injuries; (b) the symptoms you experienced; (c) the severity of the symptoms; (d) whether you sought, or received, medical

treatment; and (e) how long it took you to recover from the injuries.

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6. You indicate you do not have an emergency call button in your cell. Can your cell be observed by a control room?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please explain if you have anyway to summon help such as yelling or banging on the door.

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7. You indicate you were denied recreation, newspapers, and phone calls throughout your stay in August of 2006 through October of 2006.

(A). Were you in disciplinary confinement or administrative segregation?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state if all inmates in disciplinary confinement or administrative segregation were subjected to the same conditions of confinement.

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If you answered no, please state if all inmates in general population were subjected to the same conditions of confinement.

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(B). Was there room in your cell to do exercises such as sit ups or push ups or to run in place?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please explain.

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(C). Did you have access to a day room?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

(D). Did you have access to radio or news broadcasts?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state when you had access.

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(E). Did you have access to any books or magazines?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please explain what books or magazines you had access to.

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(F). Did any inmates have access to phones for any reason?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered yes, please state who had access and when.

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(G). Could you send and receive personal and legal mail?

Answer: Yes \_\_\_\_\_ No \_\_\_\_\_.

If you answered no, please explain your answer.

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(H). Please describe in detail how you were harmed by not having recreation during this period.

Answer:

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(I). Please describe in detail how you were harmed by not having access to newspapers during this period.

Answer:

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8. Please explain in detail how you believe Captain Hunter Petray violated your federal constitutional rights.

Answer:

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I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY  
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

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RAY WESLEY DEAVER, JR.

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DATE